

S/N 10/544,089

In reply to the Office Action of April 7, 2010

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks.

Claim 1 has been amended to include the features of claim 7. Claims 1, 4, 7-9, 15-16 and 22-23 have been amended editorially. No new matter is added.

35 USC § 102 Rejections

Claims 1, 4, 5, 7-10, 12-13, 15-18, 20 and 22-24 have been rejected under 35 USC 102(b) as being anticipated by Bonner et al. (US 5,510,266). Applicants respectfully traverse the rejection.

Claim 1 is directed to an analytical testing feeder device having a movable member including at least one lift portion pivotable relative to the storage space. The movable member configured so that the lift portion lifts the analytical testing elements stored in the storage space so that the analytical testing elements do not come into contact with the transporting member and are not taken out from the storage space.

The rejection contends, at the last two lines of page 3, that "Bonner discloses that her movable member includes at least one lift portion (i.e. any portion of 28) pivotable relative to the storage space." Applicants point out that the claimed lift portion lifts the analytical testing elements stored in the storage space. The element identified by reference number 28 is a pivot rod. The pivot rod 28 is not configured to lift any analytical testing elements away from a transporting member as required in claim 1. The Examiner contends that any portion of 28 corresponds to the claimed lift portion. This interpretation of the claim language is unduly broad and as such, is improper. Therefore, it is clear that the claimed lift portion is not disclosed or anticipated by Bonner and the rejection should be withdrawn.

Claims 4, 5, 7-10, 12-13, 15-18, 20 and 22-24 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejections of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

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Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



Dated: August 6, 2010

Respectfully submitted,

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